FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1204 OF 2001

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mrs. A.R.S. Baxi for petitioner.
Mr. R.M. Momin for respondent no.1.

CORAM: B.H. MARLAPALLE,J.

28/06/2007.

P.C.:

. Heard Mrs. Baxi the learned counsel for the petitioner. The Joint Civil Judge, J.D. at Miraj vide his Judgment and Order dated 20/3/1991 was pleased to dismiss the RCS No. 305 of 1985 filed by the petitioner-landlord under the Bombay Rent Act seeking possession of the suit premises and also for the recovery of arrears of rent as well as mesne profits. The petitioner-landlord, therefore, filred Regular Civil Appeal No. 198 of 1991 which also came to be dismsised by the learned IIIrd Additional District Judge, Sangli vide his Judgment and Order dated

1/3/2000. The petitoner, therefore, has an alternative statutory remedy before this Court by filing a Civil Revision Application under Section 115 of C.P.C. as has been held by me in Writ Petition No. 4138 of 200 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as withdrawn with liberty to the petitioner to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

. The Civil Revision Application if filed, be tagged along with Second Appeal No. 162 of 2001.

(B.H. Marlapalle,J.)